HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.691 OF 2006

Between:

Vijayawada Municipal Corporation

. . .Appellant

AND

K.Nageswara Rao

. . .Respondent

Counsel for the appellant : Smt.G.Jhansi

Counsel for the respondent : Shri V.V.Prabhakar Rao

Dated: 26th June, 2006

: JUDGMENT :

PER G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 21.07.2005 passed by the learned Single Judge in W.P.No.4258 of 2001 whereby he rejected the respondent's challenge to notice dated 27.12.2000 issued by Municipal Corporation, Vijayawada (for short 'the Corporation') for demolition of the compound wall constructed on northern side of his house, but directed that the Corporation should not take any step for acquiring the land in question without following due process of law as contemplated under Section 147 of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

Smt. G.Jhansi, learned counsel for the appellant argued that the writ petition did not contain any averment regarding dispossession of the petitioner from the land/property allegedly owned by him and, therefore, there was no occasion for the learned Single Judge to ordain that his land should not be acquired without resorting to the provisions of Section 147 of the Act.

Learned counsel for the respondents says his client's grievance in the writ petition was confined to the notice issued by the Corporation for demolition of the compound wall.

In view of the statement made by learned counsel for the respondent, we do not consider it necessary to go into the other issues raised in the appeal and dispose of the same by directing that paragraph 7 of the order under appeal shall be deemed to have been set aside. In other words, the direction given by the learned Single

Judge to the appellant corporation not to take any step for acquiring the land of the writ petitioner (respondent herein) without following the procedure prescribed under Section 147 of the Act shall be treated as redundant and otiose.

The appeal is disposed of in the manner indicated above.

As a sequel to disposal of the main appeal, W.A.M.P.No.1344 of 2006 filed by the appellant for staying the operation of order dated 21-7-2005 passed by the learned Single Judge is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 26.06.2006

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